

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

60172

FILE: B-185219

DATE: November 17, 1975

MATTER OF: Ortec, Inc.

97726

**DIGEST:**

Protest against award of contract by TVA will not be considered by our Office since TVA is a Government corporation whose accounts are not subject to settlement by GAO. See 4 C.F.R. § 20.1(a) (1975).

By telex dated October 29, 1975, Counsel for Ortec, Inc., protests award of a contract to any other firms under invitation for bids No. 5-527855, issued by the Tennessee Valley Authority (TVA). Ortec alleges violations of the Buy American Act.

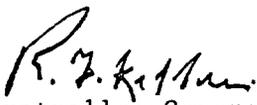
Section 20.1(a) of our Bid Protest Procedures specifically authorizes us to entertain protests by interested parties wishing to protest the proposed award of a contract by or for an agency of the Federal Government whose accounts are subject to settlement by the General Accounting Office.

However, TVA is a Government corporation whose purchasing and contracting authority is set forth in subsection (b) of section 831h, Title 16, United States Code (1970 ed.), in part as follows:

" \* \* \* Provided, That, subject only to the provisions of this chapter, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such matter as it may deem necessary, including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office \* \* \* shall not disallow credit for, nor withhold funds because of, any expenditure which the Board shall determine to have been necessary to carry out the provisions of said chapter."

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Since TVA's accounts are not subject to settlement by our Office, we could not take any remedial action with respect to the protested award action even if we should find it improper under the rules generally applicable to Government procurements. In the circumstances, we must conclude that no useful purpose would be served by our consideration of the matter. Delta Switchboard Company, B-182891, January 3, 1975, 75-1 CPD 5.

  
Deputy Comptroller General  
of the United States